

*Compliments of  
Robt. C. Bacot*

*H. B. F. & Co. N. J.*

# REPORT

AND

# PROCEEDINGS

OF THE

# NEW JERSEY BOUNDARY COMMISSION

APPOINTED TO LOCATE AND MARK OUT,  
BY STAKES AND BUOYS,

The True Boundary Line Between New York and New Jersey,

In Lands Under Water in Raritan Bay.



TRENTON, N. J.:  
THE JOHN L. MURPHY PUBLISHING CO., PRINTERS.  
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NEW JERSEY BOUNDARY COMMISSION,  
OFFICE OF THE COMMISSIONERS,  
No. 47 Montgomery St., Jersey City, N. J. }

*To His Excellency Robert S. Green, Governor of the State of New Jersey:*

SIR—On behalf of the Commissioners appointed to locate and mark out by stakes and buoys the true boundary line between New York and New Jersey in lands under water in Raritan bay, and by their direction, I have the honor herewith to transmit to the Legislature a report of their proceedings, both in separate session and in joint conference with the Commissioners appointed for a like purpose by the State of New York, together with a description of the line agreed upon and a statement as to the number and location of the buoys set.

Very respectfully,

R. C. BACOT,

December 20th, 1887.

*Secretary New Jersey Commission.*



# REPORT.

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*To the Legislature of the State of New Jersey :*

The Commissioners appointed by the Governor of the State of New Jersey, under authority of a joint resolution passed in 1886, to locate and mark out the true boundary line between New York and New Jersey in lands under water in Raritan bay, respectfully submit a report of their proceedings, together with a description of the line determined upon and a copy of the agreement made with the Commissioners appointed for a like purpose on the part of New York.

The authority under which the Commissioners have conducted this work is derived from the resolution above mentioned, which resolution is as follows :

## JOINT RESOLUTION.

“JOINT RESOLUTION authorizing the appointment of a commission to locate and mark out the boundary line between the state of New Jersey and the state of New York in Raritan bay.

“WHEREAS, Disputes are constantly arising between citizens of this state and citizens of the state of New York, engaged in shell fisheries in Raritan bay, as to the boundary line between the two states in land under water in Raritan bay; *and whereas*, that by reason of the absence of any means to locate the boundary line, there exists an uncertainty about the location thereof between the state of New Jersey and the state of New York, as defined in the act entitled ‘An act for the settlement of the territorial limits and jurisdiction between the states of New Jersey and New York,’ passed the sixth day of February, one thousand eight hundred and thirty-three; now, therefore,

“SEC. 1. BE IT RESOLVED *by the Senate and General Assembly of the State of New Jersey*, That the governor of this state be and he is hereby authorized to appoint three commissioners, with power on the part of the state to meet any authorities of the state of New York who may be duly authorized, and with them to locate and mark out by proper buoys the boundary line between the two states in land

under water in Raritan bay; that the expenses of said commission shall be paid by the treasurer, on the warrant of the comptroller, after first being approved by the governor.

“SEC. 2. That this resolution take effect immediately.”

Pursuant to the resolution above mentioned, His Excellency Governor Green appointed Robert C. Bacot, A. B. Stoney and George H. Cook as the committee on the part of New Jersey.

The Commissioners on the part of New York were appointed by His Excellency Governor Hill under an act passed in 1887, the text of which is as follows:

LAWS OF NEW YORK, BY AUTHORITY, CHAPTER 69.

“AN ACT for the settlement of territorial disputes in regard to the lands under water in Raritan bay.

“Passed March 15th, 1887, three-fifths being present.

“THE PEOPLE OF THE STATE OF NEW YORK, *represented in Senate and Assembly, do enact as follows:*

“SEC. 1. The governor shall appoint three commissioners, who shall have full power, on the part of the state of New York, to meet the commissioners appointed or to be appointed by the state of New Jersey, and with them locate and mark out, by proper monuments and buoys, the true boundary line between the two states in lands under water in Raritan bay.

“SEC. 2. The said commissioners, within one year from the passage of this act, shall file with the secretary of the state of New York, a map showing such boundary line.

“SEC. 3. The expenses of the said commissioners, not exceeding one thousand dollars, shall be paid by the treasurer, upon the warrant of the comptroller, after being first approved by the governor.

“SEC. 4. This act shall take effect immediately.”

“STATE OF NEW YORK, }  
“OFFICE OF THE SECRETARY OF STATE, } ss.

“I have compared the preceding with the original law on file in this office, and do hereby certify that the same is a correct transcript therefrom and of the whole of said original law.

“FREDERICK COOK,  
“*Secretary of State.*”

Before proceeding to give in detail the operations of the Commissioners thus authorized and appointed, it may be well to state the



causes that led to the enactment of the laws under which the Commissions were created.

The great value of the lands under water in Raritan bay for the cultivation of oysters became apparent early in the present century. The long, shallow, land-locked bay, subject to the constant ebb and flow of ocean tides and fed by many fresh-water streams, possessed every requisite necessary for the successful and profitable cultivation of every variety of shell-fish. The salt water was their natural element; the fresh-water streams brought an abundance of animal and vegetable life necessary for their growth and development, and the hard, sandy bottom of the bay afforded a bed upon which they could be planted with security.

Beds of natural growth, where oysters grew in great abundance, were found by the first settlers, and for a long time these proved sufficient to satisfy the wants of the scanty population. But the increasing demand resulting from the rapid growth of population in the interior, and the consequent danger of depletion and exhaustion of the natural beds from over-fishing, rendered some method of artificial propagation imperative, and about 1810 oysters were first planted and cultivated. At first, all the lands under water in the bay were considered as common to the residents of both States, and no attempt was made to divide them according to State lines. Only when the industry began to grow in importance, and the lands, consequently, to increase in value, did local jealousies arise and disputes between citizens of New York and citizens of New Jersey become common.

These disputes soon grew to be of a serious nature, and sometimes ended in bloodshed. Especially was this so after legislative enactments had been passed by each State making it a misdemeanor for citizens to take or cultivate oysters in the waters of the other State. No attempt, however, was made to locate or define the boundary line until 1834, when an agreement was made and ratified between the two States, by which the boundary line was said to be "the middle of the bay to the main sea." This, though vague, was sufficiently definite for a long time. The rapidly-increasing number of planters and the great demand for oyster-lands soon led to the occupation, in the most valuable part of the bay, of every available piece of ground, and the indefinite nature of the description of the boundary line given in the agreement of 1834 became a source of constant dispute.

The agreement, it is true, stated that the boundary line should be

the middle of the bay ; and were both shores perfectly straight this would have been a line easily located, but where the shores were alternately coves and projecting points, the question of determining a just, central boundary was one of great difficulty.

Whether, in dividing the bay, the areas of coves should be taken into consideration, or whether lines should be drawn from headland to headland and used as base-lines from which the area of the bay should be computed and divided, were the questions first to be settled before any satisfactory boundary line could be located and defined.

It was impossible for those directly interested and at work in the bay to arrive at any conclusion as to where the boundary ought to be, that would be mutually satisfactory, and petitions numerously signed were frequently sent to the Legislatures of the two States by the oystermen, praying that some means be taken to establish such a line, but nothing was done until 1886, when the law creating the present New Jersey Commission was passed.

New York followed, in 1887, with a like enactment, and this dispute of so long standing became now in a fair way to be finally settled.

# PROCEEDINGS OF THE JOINT COMMISSION.

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## FIRST MEETING.

Minutes of the first meeting of the Joint Commission to locate the boundary line between New York and New Jersey in lands under water in Raritan bay, held at the Astor House, New York city, April 29th, 1887.

Present—Prof. George H. Cook, Robert C. Bacot and A. B. Stoney, on the part of New Jersey; and Robert Moore and Lieut. G. C. Hanus, on the part of New York, Mr. Hazeltine, of New York, being absent.

Permanent organization was effected by the election of A. B. Stoney, chairman, and Edward P. Doyle, secretary.

Mr. Robert Moore then offered the following resolution, which was unanimously adopted:

*Resolved*, That Robert C. Bacot, of New Jersey, and Lieut. G. C. Hanus, U. S. N., of New York, be appointed a committee to examine the records and collect and prepare the information, with the assistance of the Secretary, necessary for the use of the Commission, and that they be authorized to expend the necessary moneys for traveling and incidental expenses.

On motion of Robert Moore, three maps were ordered from the U. S. Coast and Geodetic Survey, for the use of the Commission.

On motion, Prof. Cook and Lieut. Hanus were appointed a committee to communicate with the Light-House Board and request that the Board furnish the Commission with the necessary buoys.

On motion, the Secretary was authorized to procure the stationery necessary for the use of the Commission.

The Secretary was directed to communicate with Governor Green and procure from him a copy of the papers sent him by Colonel Rice, relative to the New York Commission.

10 NEW JERSEY BOUNDARY COMMISSION.

On motion, meeting adjourned to meet May 9th, 1887, at 1 o'clock, at 47 Montgomery street, Jersey City, New Jersey.

EDWARD P. DOYLE,  
*Secretary Joint Commission,  
New York and New Jersey.*

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SECOND MEETING.

May 9th, 1887.

Minutes of the second meeting of the Joint Commission to determine the boundary line between New York and New Jersey, in lands under water in Raritan bay.

Present—A. B. Stoney, of New Jersey, chairman ; Robert C. Bacot and George H. Cook, of New Jersey ; Lieut. G. C. Hanus, U. S. N. ; M. W. Hazeltine and Robert Moore, of New York.

Lieut. Hanus reported on behalf of the committee appointed to collect and prepare information necessary for the use of the Commission, that the committee had visited Washington and had obtained much information but had not yet finished its work, and desired to report progress and ask for additional time.

The request for additional time was granted and the committee continued.

Prof. Cook, on behalf of the committee appointed to request the Light-House Board to lend Commission certain assistance, reported that the committee had called on the Secretary of the Board at Washington, and had found him adverse to granting the request, but the committee believe that the request would be ultimately granted. He desired to report progress and ask for additional time. The request was granted and the committee continued.

After some discussion the Commission then adjourned to meet Monday, May 16th, 1887, at 12 o'clock M., at the Astor House, New York.

EDWARD P. DOYLE,  
*Secretary.*

## THIRD MEETING.

May 16th, 1887.

Minutes of the third meeting of the Joint Boundary Commission to locate the true boundary line between New York and New Jersey, in lands under water in Raritan bay.

Meeting called to order by Prof. G. H. Cook in the absence of Mr. Stoney.

Present—Prof. George H. Cook and Robert C. Bacot, on the part of New Jersey; Robert Moore, M. W. Hazeltine and Lieut. G. C. Hanus, U. S. N., on the part of New York.

In the absence of Mr. Doyle, Robert Moore acted as Secretary. No business was transacted, and the meeting adjourned subject to the call of either of the chairmen of committees.

EDWARD P. DOYLE,  
*Secretary.*

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## FOURTH MEETING.

May 26th, 1887.

Minutes of the fourth meeting of the Joint Commission to locate the true boundary line in lands under water in Raritan bay.

Meeting called to order by Prof. George H. Cook in the absence of Mr. Stoney.

Present—George H. Cook and Robert C. Bacot, on the part of New Jersey; and Robert Moore, M. W. Hazeltine and Lieut. G. C. Hanus, on the part of New York.

Minutes of the last meeting read and approved.

Lieut. G. C. Hanus, from the committee appointed to collect and prepare the information necessary for the use of the Commission, made the following report:

*Joint Boundary Commission, New York and New Jersey:*

GENTLEMEN—Having been appointed by you as a committee to collect and prepare information necessary for the use of the Commission, we have the honor to report that we have made a very extensive search for a precedent which might be of use in this case. We have visited the libraries in New York city, consulted a great number of authorities and made a personal investigation among the archives of the State Departments at Washington, Albany and Trenton. Several



hundred books, pamphlets and maps, bearing on boundary settlements, were examined by your committee. It will be seen from the following extracts that this Commission will have to establish a very important precedent, *i. e.*, they will have to define what is meant by the middle of an arm of the sea where (as in this case) the shores are not parallel, and where the value of land under water has to be taken into consideration.

The committee have made such a thorough investigation that they feel justified in reporting to the Joint Commission that the point as to what constituted the middle has never before been settled. The following are a few of the extracts made by your committee and may be of some slight use in the settlement of our boundary :

AMERICAN INTERSTATE LAW (DAVID RORER), IOWA, PAGES 334  
and 335.

#### TIDE-WATERS.

"2. The shores of any ground under the navigable waters, belong to the States, not by grant from the general government, but because they were never parted with. \* \* \* But this ownership, or right of the several States, is subject to the national government in reference to a regulation of commerce."

This paragraph is quoted because it shows that in defining our boundary line we must confine ourselves to the use of buoys. Monuments would be obstructions to navigation.

Paragraph 3 of the above work says :

"When two States have co-terminous boundaries on such water, each takes jurisdiction, and counties of such States expressed to be bounded by such waters will be held to extend such boundaries in the center of the river of water, although in the law creating them, they may be said to extend to low-water mark. \* \* \* Each State and its citizens has the exclusive right of fishery in its own internal waters and may prevent the taking thereof by citizens of other States."

On page 337, in speaking of rivers, the author says : "The actual territorial boundary of each State is the main channel of the river." It will be noted that in the case of other waters the vague term "center" is used.

Gould on Waters, sec. 4: "By law of England the Crown has the right of property in the arms of inlets of the sea within the realm; \* \* \* this right includes the bed of all tide-waters which are or may be within the counties. \* \* \* The territorial jurisdiction of a State now extends seaward three geographical miles. \* \* \* This external limit of jurisdiction is determined by measuring seaward from a straight line drawn from one inclosing headland to another."

New York R. S., 3d ed., '78, '79: "Whenever two counties are separated from each other by a river or creek, the middle of the channel is the dividing line," &c.

Court of Appeals (Joel Tiffany), New York and Conn. (speaking of the boundary): "So far as the two States are co-terminous it extends to the middle of the sound, if not to a line running directly from Fisher's Island to Lyon's Point."

United States Digest, vol. 3. New Hampshire, page 146: "Where two towns are situated on opposite sides of a river and both are bounded on the river, the line between them is the center of the river, measuring from bank to bank."

"Revised Statutes of Maine, 1883." This work is referred to because it shows how boundaries have been run in that State where the shores of the waters are not parallel, as is the case in Raritan bay. They generally ran from fixed points on compass courses to other points.

New Jersey Digest of Reports, 1790 to 1876, Mart. 1, page 104: "The Supreme Court of the United States has exclusive jurisdiction between States, except where there has been a compact. \* \* \* Whether a particular place is within the boundaries of a State is a question of fact for a jury."

"Angell on Tide-waters." This volume, while it does not bear directly on our case, contains useful information on the subject of headlands, to the right of fishing, oysters, &c.

"In Error to the Circuit Court of United States, District of New Jersey. Defendant in error, the lessee, William C. H. Wardell, instituted, April term, 1835, an action for ejectment against M. Mazlin and others for recovery of certain lands under water in Raritan bay, in the State of New Jersey. The jury found the premises in dispute are situated beneath the waters of the Raritan bay and river, where the tide ebbs and flows. That the plaintiffs in the ejectment claimed title under regular conveyance, &c., &c., and, in short, they

owned everything under original charter granted to the Duke of York."

Howard's Reports, vol. 7, page 660, Missouri Constitution: "From a point in the middle of the Kansas river, \* \* \* running due north along a meridian line to the intersection of the parallel of latitude," &c., &c.

This paragraph is quoted because the boundary is defined by compass course instead of following the middle of the river, which it is so difficult to define.

Howard's Reports, vol. 4, Rhode Island *v.* Massachusetts, pages 591 and 592: "For the security of rights, whether of States or individuals, long possession, under a claim of title, is protected. And there is no controversy in which this great principle may be invoked with greater justice and propriety than in a case of disputed boundary."—(Supreme Court.)

"The Boundary of Connecticut. Bowen. Disputes lasting 250 years." In the map in this pamphlet, showing the boundary between New York and Connecticut, the boundary line is straight and as near the center of the sound as may be until near Fisher's Island sound, when changes of course are made, but always in straight lines; the boundary line is never a curve.

North American Boundary A, page 41, House of Representatives, Maine, a line to be drawn along the middle of the river St. Croix. In connection with this expression, there is this foot-note on page 27:

"The term 'concipectus' appears to point to the general practice of communicating between the St. Croix and Quebec by way of the rivers, as if it were said the practice hitherto has been to go circuitously by the rivers, but the true boundary is to be conceived as a straight line.

"'The Norway' *v.* Jensen, 52 Illinois Reports 373, 380. In Illinois the lines of counties bordering on Lake Michigan have no portion of the waters of the lake assigned to them, yet the territorial limits of the State extend to the center line of said lake."

We also recommend to the Commission the following works: Tuler's Law of Boundaries, Vattel's Law of Nations, Kent's Commentaries and the case of *The People v. The Central R. R. Co.* of N. J., 42 N. Y. Reports 283-316.

The committee required a longer time to complete its researches than the extracts from the works quoted might warrant, but we respectfully call attention to the fact that from the greater number of



authorities consulted no extracts were made, since nothing was found in them which in any way bore on the work of this Commission, and even if you were inclined to grant your committee further time, they are now fully convinced that they would be unable to find anything further bearing on this case.

Very respectfully,  
R. C. BACOT,  
G. C. HANUS, *Lieutenant U. S. Navy.*

On motion of Robert Moore, the report of the committee was received and placed on file.

On motion of Robert Moore, it was unanimously

*Resolved*, That the question as to how the vote of the Commissions shall be counted, be referred to the separate Commissions to report at the next meeting.

On motion of M. W. Hazeltine, the Chair was directed to appoint a committee of two, one from each State, to compute the areas of the waters of both States included in the treaty of 1834, and also to determine the headlands to be taken as forming points on each shore from which calculation should be made of areas of coves.

Bill of the United States Coast and Geodetic Survey for \$42.86, for a projection of Raritan bay, was ordered paid.

Lieut. G. C. Hanus, from the committee appointed to confer with the Light-House Board in relation to procuring buoys, &c., free of charge, reported progress, and asked to be continued, which request was granted.

The Commission then adjourned to meet at the call of either of the chairmen of committees.

EDWARD P. DOYLE,  
*Secretary.*

#### FIFTH MEETING.

July 11th, 1887.

Minutes of fifth meeting.

Present—A. B. Stoney, on the part of New Jersey, and Lieut. G. C. Hanus, U. S. N., and Robert Moore, on the part of New York.

There not being a quorum present, adjourned to meet at call of Secretary.

EDWARD P. DOYLE,  
*Secretary.*

## SIXTH MEETING.

Sixth meeting of Joint Boundary Commission, held Wednesday August 17th, 1887, at 1 P. M.

Present—M. W. Hazeltine, Robert Moore and Lieut. G. C. Hanus, on the part of New York, and George H. Cook, Robert C. Bacot and A. B. Stoney, on the part of New Jersey.

Meeting called to order by Chairman Stoney, and minutes of last meeting read and approved.

Committee appointed to ascertain area of land under water in Raritan bay, and to determine the headlands to be used as primary points in locating the boundary, reported disagreement, and presented two maps, one prepared by Lieut. Hanus and the other by Mr. Bacot.

A long discussion followed, but no action was taken on the report.

On motion of Mr. Hazeltine, Captain Hanus and Prof. Geo. H. Cook were appointed a committee and authorized to visit Washington, and endeavor to ascertain what were the headlands forming the entrance to Raritan bay.

On motion of Mr. Hazeltine, it was carried that in the event of but two members of the Commission from one State being present, they should be entitled to cast the vote of the State.

Moved by Mr. Hazeltine, and carried, that four members of the Joint Commission shall constitute a quorum, provided that the four shall be present, and at least two members from each State.

On motion, meeting adjourned to meet Saturday, August 27th, 1887, at 1 P. M.

EDWARD P. DOYLE,  
*Secretary.*

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SEVENTH MEETING.

Seventh meeting of the Joint Boundary Commission held Saturday, August 27th, at 1 P. M.

Present—George H. Cook, A. B. Stoney and R. C. Bacot, on the part of New Jersey, and Robert Moore and Lieut. G. C. Hanus, U. S. N., on the part of New York.

Meeting called to order by Chairman Stoney, and minutes of last meeting read and approved.



N. J.

River

PERTH AMBOY

CENTRAL R. R. OF NEW JERSEY  
(LONG BRANCH DIV.)

ARTHUR KILL

OR

STATEN

TOTTENVILLE

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In behalf of the special committee appointed to visit Washington and endeavor to ascertain the headlands forming the entrance to Raritan bay, Prof. George H. Cook, of New Jersey, reported that the committee had visited Washington, and called at the office of the Secretary of State, but could get no information that would tend to settle the questions in dispute.

On motion of Robert Moore, the report was received and the committee continued.

On motion of Robert Moore, it was ordered that when the Commission adjourned it adjourn to meet at Perth Amboy, N. J., on Tuesday, September 6th, 1887, at 9 A. M., for the purpose of taking a steamer and visiting Raritan bay.

On motion of Lieut. Hanus, Commission adjourned.

EDWARD P. DOYLE,  
*Secretary.*

#### EIGHTH MEETING.

Eighth meeting of the Joint Boundary Commission, on board the tug M. F. Cahill, Tuesday, September 6th, 1887.

After a trip through Raritan bay, during which a number of observations were taken by Lieut. Hanus, and much valuable information obtained, the Commissioners met in the cabin of the tug.

The Commissioners present were Lieut. G. C. Hanus, U. S. N., and Robert Moore, on the part of New York, and A. B. Stoney, Robert C. Bacot and George H. Cook, on the part of New Jersey.

Minutes of last meeting read and approved.

On motion, Lieut. G. C. Hanus and Robert C. Bacot were appointed a committee to locate and designate the point where the break in the boundary line between Great Beds light and Romer beacon should lie, it having been informally agreed upon by the Commissioners that the line from Great Beds to Romer beacon should have but one turning point.

On motion, meeting adjourned subject to call of chairman of committee.

EDWARD P. DOYLE,  
*Secretary.*



MAP OF THE BOUNDARY LINE  
between  
THE STATES OF NEW YORK AND NEW JERSEY  
in Lands under Water in  
RARITAN BAY

Agreed upon by the Commissioners appointed by the  
Governors of their respective States  
October 12th, 1887.

NEW YORK COMMISSIONERS

M. W. HAZELTINE,  
ROBERT MOORE,  
LIEUT. G. C. HANUS, U. S. N.

NEW JERSEY COMMISSIONERS

GEORGE H. COOK,  
ROBERT C. SACOT,  
A. B. STONEY.

Scale 80000  
Statute Miles  
Nautical Miles

Agreement and Map filed in the  
Office of the Secretary of State of  
N. York Nov 30, 1887

Agreement and Map filed in the  
Office of the Secretary of State of  
N. Jersey Nov. 1, 1887





## NINTH MEETING.

Ninth meeting of the Joint Boundary Commission, held Wednesday, September 21st, at 47 Montgomery street, Jersey City, New Jersey.

Present—Robert C. Bacot and George H. Cook, on the part of New Jersey; and Robert Moore and Lieut. G. C. Hanns, U. S. N., on the part of New York.

In the absence of A. B. Stoney, the meeting was called to order by Robert Moore, and, on motion, Prof. George H. Cook was made Chairman *pro tem*.

The minutes of the previous meeting were read and approved.

The committee appointed to locate the point at which the only break in the boundary line should occur, reported that they had agreed upon a point at the intersection of a line drawn from Morgan No. 2 point, U. S. Coast and Geodetic Survey, to the "Romer stone beacon," and a line drawn from Great Beds light-house to Wilson's beacon, in Monmouth county.

On motion, the report of the committee was adopted.

After a long discussion, the following-described line was then unanimously agreed upon as the boundary line between the two States, in lands under water in Raritan bay.

*First.* From "Great Beds light-house," in Raritan bay, north, twenty degrees sixteen minutes west, true, to a point in the middle of the waters of Arthur Kill, or Staten Island sound, equidistant between the southwesterly corner of the dwelling-house of David C. Butler, at Ward's Point, on Staten Island, in the State of New York, at the southeasterly corner of the brick building on the lands of Cortlandt L. Parker, at the intersection of the westerly line of Water street with the northerly line of Lewis street, in Perth Amboy, in the State of New Jersey.

*Second.* From "Great Beds light-house" south, sixty-four degrees and twenty-one minutes east, true, (S.  $64^{\circ} 21' E.$ ), in line with the center of Waackaack or Wilson's beacon, in Monmouth county, New Jersey, to a point at the intersection of said line with a line connecting "Morgan No. 2" Triangulation Point, U. S. Coast and Geodetic Survey, in Middlesex county, New Jersey, with the "Granite and Iron



beacon," marked on the accompanying maps as "Romer stone beacon," situated on the "Dry Romer shoal;" and thence on a line bearing north, seventy-seven degrees and nine minutes east, true, (N.  $77^{\circ} 9'$  E.), connecting "Morgan No. 2" Triangulation Point, U. S. Coast and Geodetic Survey, in Middlesex county, New Jersey, with said "Romer stone beacon" (the line passing through said beacon and continuing in the same direction), to a point at its intersection with a line drawn between the "Hook beacon," on Sandy Hook, New Jersey, and the Triangulation Point of the U. S. Geodetic Survey, known as the Oriental Hotel, on Coney Island, New York; then southeasterly, at right angles with the last-mentioned line, to the main sea.

*Third.* The monumental marks by which said boundary line shall be hereafter known and recognized, are hereby declared to be as follows:

1. The "Great Beds light-house."
2. A permanent monument marked "State Boundary Line New York and New Jersey," and to be placed at the intersection of the line drawn from the "Great Beds light-house" to Waackaack or Wilson's beacon, Monmouth county, New Jersey, and the line drawn from "Morgan No. 2" Triangulation Point, U. S. Coast and Geodetic Survey, in Middlesex county, New Jersey, to the "Romer stone beacon."
3. Eight buoys or spindles, to be marked like the permanent monument above mentioned, and placed at suitable intervening points along the line from the said permanent monument to the "Romer stone beacon."
4. The "Romer stone beacon."

*Fourth.* The maps accompanying and filed with this agreement showing the location of the above-described boundary line between the State of New York and the State of New Jersey, in Raritan bay to the main sea, and of the monumental marks by which it is marked and to be marked, duly authenticated and attested by the signatures of the said Commissioners, and placed on file in the offices of the Secretaries of State of the respective States, shall constitute the permanent and authentic records of said boundary line, and are hereby adopted by the parties hereto and made part of this agreement.

On motion, the Secretary was directed to endeavor to arrange a meeting between Governor Hill, of New York, and Governor Green, of New Jersey.

On motion, the Committee on Buoys were requested to visit Commodore Benham and ascertain what could be arranged with the Light-House Department, as to procuring buoys and setting them.

On motion, meeting adjourned subject to call of the Committee on Boundary Lines.

EDWARD P. DOYLE,  
*Secretary.*

Approved after amendment.

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#### TENTH MEETING.

Minutes of tenth meeting of the Joint Boundary Commission, New York and New Jersey, held October 12th, 1887, at 39 Nassau street, New York.

Present—George H. Cook, Robert C. Bacot and A. B. Stoney, on the part of New Jersey, and Robert Moore, M. W. Hazeltine and Lieut. G. C. Hanus, U. S. N., on the part of New York.

The meeting was called to order by the Chairman, and the minutes of the previous meeting were read and approved.

The Secretary then reported that he had visited Albany and spoken to the Governor as directed, and that he, the Governor, while unable at present to help the Commission, was favorably impressed with its work and would render what he could in the future. On motion, the report of the Secretary was accepted.

Lieut. Hanus, from the committee on buoys, &c., reported that the Light-House Board of the United States had agreed, in a letter, which he read to the Commission, to sell the buoys needed to the Commission at cost, and to loan a "tender" to place them. He also reported a plan for a permanent monument, to be erected at the turning point in the boundary line; and that the committee had interviewed Governor Green, who agreed to approve the bills for the expense necessary for the purchase of buoys and the erection of monument.

On motion of Robert Moore, the report of the committee was accepted with the thanks of the Commission, and the committee continued.

On motion of M. W. Hazeltine, in was unanimously

*Resolved*, That Robert C. Bacot and Lieut. G. C. Hanus be given full authority, on behalf of the Commission, to place the eight buoys on the line agreed upon, at such points as shall, in their judgment, seem proper.

On motion of George H. Cook, it was unanimously

*Resolved*, That the same committee (Messrs. Hanus and Bacot) be given full authority, on behalf of the Commission, to build a permanent monument at the point agreed upon in boundary agreement, upon a plan not different as to its general character from the one submitted to the Commission by the Committee on Buoys, at a cost not to exceed four thousand dollars (\$4,000), one-half of which sum should be paid by New Jersey and the other half by New York.

On motion of M. W. Hazeltine, it was unanimously

*Resolved*, That the same committee (Messrs. Hanus and Bacot) be given full authority, on behalf of the Commission, to arrange for the purchase of eight buoys, at a cost not to exceed four thousand dollars (\$4,000) in all, one-half of which sum should be paid by New York and one-half by New Jersey.

On motion of M. W. Hazeltine, it was carried that the Commissioners now proceed to formally sign the agreement in duplicate, setting forth the boundary line as determined upon at the last meeting of the Commission.

After the agreement had been signed, on motion of George H. Cook, it was carried that the compensation of the Secretary for his services to the Joint Commission should be five hundred dollars (\$500), half of which sum should be paid by New Jersey and half by New York.

On motion, meeting adjourned subject to the call of the Committee on Purchase of Buoys, &c.

EDWARD P. DOYLE,  
*Secretary.*

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#### ELEVENTH MEETING.

Minutes of eleventh meeting, Joint Boundary Commission, held Monday, October 31st, 1887, at 47 Montgomery street, Jersey City, New Jersey.

Present—Robert C. Bacot and George H. Cook, on the part of New Jersey; Robert Moore and Lieut. G. C. Hanus, on the part of New York.

On motion of Robert Moore, George H. Cook was elected Chairman *pro tem*.

Minutes of last meeting were then read and approved.

Lieut. Hanus informed the Commission that he had received a letter from the Acting Secretary of the Navy, informing him that his services were needed by the department, and that he must state when he would rejoin his ship. In reply to this letter he had given Monday, November 7th, 1887, as the date required. In view of this he asked that someone be substituted in his stead on the Commission on Buoys, &c.

On motion, Robert Moore was appointed such substitute, to act in the event Lieut. Hanus should be obliged to leave the Commission.

Mr. Hanus, from the Committee on Buoys, reported that bids had been received from four parties for building the permanent monument, but that all bids were in excess of the amount allowed for that purpose by resolution of the Joint Commission.

On motion of Robert Moore, the resolution fixing the amount allowed for the permanent monument at \$4,000, was reconsidered, the resolution amended making the amount \$6,000, and the amended resolution adopted.

On motion, the Commission directed the committee to use iron for casing the permanent monument.

The committee were authorized to advertise for bids if necessary.

On motion, meeting adjourned subject to the call of the Chair.

EDWARD P. DOYLE,

*Secretary.*

#### TWELFTH MEETING.

Minutes of twelfth meeting New York and New Jersey Boundary Commission, held at 47 Montgomery street, Jersey City, N. J., November 30th, 1887.

Present—Robert C. Bacot, George H. Cook and A. B. Stoney, on the part of New Jersey; Robert Moore and Lieut. G. C. Hanus, on the part of New York.

Minutes of last meeting read and approved.

Prof. G. H. Cook reported that application was made by the Commission immediately after the meeting of October 31st, to the Secretary of the Navy, for additional leave of absence for Lieut. Hanus, and that Secretary Whitney had kindly granted further leave until December 4th, 1887.

Lieut. Hanus, from the Committee on Buoys, reported as follows :

GENTLEMEN—I have the honor to report that the position of the permanent beacon has been properly located on the ground. Mr. W. G. Ford, Jr., assisted me in its location. It is marked by five stakes, the center one having a red flag nailed to it. As this position is very important, I subsequently planted a second-class wooden spar-buoy on this spot, with the aid of the light-house tender. It is not likely that the ice will carry this buoy away, as it is well moored to a heavy stone anchor. The following horizontal angles determine its position, which is shown on the regular maps of the Commission :

Wilson beacon to Prince's Bay light-house,  $99^{\circ} 41' 30''$ .

Prince's Bay light-house to Episcopal spire (Perth Amboy),  $64^{\circ} 9'$ .

Episcopal spire (Perth Amboy) to front (shown on map),  $83^{\circ} 14'$ .

Front to Wilson beacon.  $112^{\circ} 55' 30''$ .

Through the kindness of the Light-House Board, I was enabled to plant all the buoys without much difficulty, as the expense would have been greatly increased had I attempted to do this work alone, owing to drift, due to tide or wind. I was fortunate enough to secure the services of one of my former assistants, Ensign G. R. French, U. S. N., and having thus two observers, we had no difficulty in dropping the buoys in the desired places on the boundary line. The buoy nearest the monument was placed in the position marked on the map. It is a second-class wooden buoy. The following horizontal angles determine its position :

Cupola to Dental chimney (both shown on map),  $113^{\circ} 37'$ .

Dental chimney to Episcopal spire (Perth Amboy),  $71^{\circ} 3'$ .

The third buoy planted was an iron spar-buoy of the third class ; its position is shown on the map. The following angles determine its position :



Dental chimney to Prince's Bay light-house,  $22^{\circ} 55'$ .

Prince's Bay light-house to Episcopal spire (Perth Amboy),  $25^{\circ} 34'$ .

Great Beds to White spire (shown on map),  $72^{\circ} 16'$ .

The fourth buoy planted was an iron spar-buoy of the third class ; its position is determined by the following horizontal angles :

Great Beds light-house to Bayside beacon,  $124^{\circ} 34'$ .

Bayside beacon to Sandy Hook light-house,  $42^{\circ} 5'$ .

The fifth buoy planted was an iron spar-buoy of the third class ; its position is determined by the following horizontal angles :

Elm Tree beacon to Prince's Bay light-house,  $96^{\circ} 6'$ .

Prince's Bay light-house to Brown spire (shown on map),  $62^{\circ} 22'$ .

The sixth buoy planted was an iron spar-buoy of the third class ; its position is determined by the following horizontal angles :

Elm Tree beacon to Prince's Bay light-house,  $92^{\circ} 6'$ .

Prince's Bay light-house to Brown spire,  $50^{\circ} 49'$ .

All the above buoys are painted white above the line of flotation and green under water.

The seventh buoy is a wooden can, and can be replaced by an iron spar. Its position is determined by the following horizontal angles :

Elm Tree beacon to Prince's Bay light-house,  $74^{\circ} 32'$ .

Prince's Bay light-house to brown spire,  $39^{\circ} 37'$ .

As all the above buoys are on the boundary line, it is an easy matter now at any time to increase the number by getting the buoys on range and dropping others. They would be on the boundary line, and their position on that line could be determined near enough for practical purposes by compass bearings, unless it became necessary to determine the position exactly, in which case it would be necessary to employ hydrographic engineers.

On motion of Robert Moore, the report was approved and ordered to be spread on the minutes.

Lieut. Hanus also read a letter from the Light-House Board, loaning the Committee on Buoys the light-house tender of the Third Light-House district for the use of the Commission in planting buoys.

On motion of Robert Moore, the Committee on Buoys was instructed to extend the thanks of the Commission to the Light-House Board for the use of the tender and buoys, and ascertain how the buoys could be replaced.

On motion of George H. Cook, \$100 each was voted W. G. Ford, Jr., and Ensign G. R. French, U. S. N., for assistance given Lieut. Hanus in determining the boundary line.

On motion of Robert C. Bacot, 2,000 lithograph copies of a map of Raritan bay, showing the boundary line, was ordered—1,000 copies for each State.

On motion of Lieut. G. C. Hanus, the Secretary was directed to write to the Superintendent of the Coast Survey, extending to him the thanks of the Commission for his kindness and courtesy.

On motion of Robert Moore, the meeting adjourned, subject to call of the Chair.

EDWARD P. DOYLE,  
*Secretary.*





## AGREEMENT.

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The agreement, as finally adopted by the Commissioners, is as follows :

An agreement, made the 12th day of October, in the year 1887, between Mayo W. Hazeltine, Robert Moore and Lieut. G. C. Hanus, U. S. N., Commissioners on the part of the State of New York, and George H. Cook, Robert C. Bacot and A. B. Stoney, Commissioners on the part of the State of New Jersey :

WHEREAS, By Chapter 69 of the laws of the State of New York for the year 1887, the Governor was authorized to appoint three Commissioners on the part of the State of New York, with full power to meet with the Commissioners duly authorized on the part of the State of New Jersey, and with them to locate and mark out, by proper monuments and buoys, the true boundary line between the two States in lands under water in Raritan bay ; and

WHEREAS, The said Mayo W. Hazeltine, Robert Moore and Lieut. G. C. Hanus, U. S. N., were duly appointed Commissioners on the part of the State of New York, for the purposes mentioned in the said act ; and

WHEREAS, By an act of the Legislature of the State of New Jersey, passed April 20th, 1886, entitled "Joint resolution authorizing the appointment of a Commission to locate and mark out the boundary line between the State of New Jersey and the State of New York in Raritan bay," the Governor of the State of New Jersey was authorized to appoint three Commissioners, with power, on the part of the State, to meet any authorities duly authorized on the part of the State of New York, and with them to locate, by proper buoys, the boundary line between the two States of lands under water in Raritan bay ; and

WHEREAS, The said George H. Cook, Robert C. Bacot and A. B.

Stoney were duly appointed Commissioners for the purposes of said act; and

WHEREAS, The said Commissioners acting for and on behalf of their respective States, have entered upon the performance of the duties imposed upon them by said act, and have in pursuance of the authority of them severally given as aforesaid, agreed and hereby do agree upon a boundary line between the two States, in lands under water in Raritan bay, and locate the same as follows:

*First.* From the "Great Beds light-house," in Raritan bay, north (twenty) 20 degrees sixteen minutes west, true, to a point in the middle of the waters of Arthur Kill or Staten Island sound, equidistant between the southwesterly corner of the dwelling-house of David C. Butler, at Ward's Point, on Staten Island, in the State of New York, and the southeasterly corner of the brick building on the lands of Cortlandt L. Parker, at the intersection of the westerly line of Water street with the northerly line of Lewis street, in Perth Amboy, in the State of New Jersey.

*Second.* From "Great Beds light-house" south, sixty-four degrees and twenty-one minutes east, true, (S.  $64^{\circ} 21'$  E.), in line with the centre of Waackaack or Wilson's beacon, in Monmouth county, New Jersey, to a point at the intersection of said line with a line connecting "Morgan No. 2" Triangulation Point, U. S. Coast and Geodetic Survey, in Middlesex county, New Jersey, with the "Granite and Iron beacon," marked on the accompanying maps as "Romer stone beacon," situated on the "Dry Romer shoal;" and thence on a line bearing north, seventy-seven degrees and nine minutes east, true, (N.  $77^{\circ} 9'$  E.), connecting "Morgan No. 2" Triangulation Point, U. S. Coast and Geodetic Survey, in Middlesex county, New Jersey, with said "Romer stone beacon" (the line passing through said beacon and continuing in the same direction) to a point at its intersection with a line drawn between the "Hook beacon," on Sandy Hook, New Jersey, and the Triangulation Point of the U. S. Geodetic Survey known as the Oriental Hotel, on Coney Island, New York; then southeasterly, at right angles with the last-mentioned line, to the main sea.

*Third.* The monumental marks by which said boundary line shall be hereafter known and recognized, are hereby declared to be as follows:

1. The "Great Beds light-house."
2. A permanent monument marked "State Boundary Line New York and New Jersey," and to be placed at the intersection of the line drawn from the "Great Beds light-house" to "Waackaack or Wilson's beacon," Monmouth county, New Jersey, and the line drawn from "Morgan No. 2" Triangulation Point, U. S. Coast and Geodetic Survey, in Middlesex county, New Jersey, to "Romer stone beacon."
3. Eight buoys or spindles to be marked like the permanent monument above mentioned, and placed at suitable intervening points along the line from the said permanent monument to the "Romer stone beacon."
4. The "Romer stone beacon."

*Fourth.* The maps accompanying and filed with this agreement showing the location of the above-described boundary line between the State of New York and the State of New Jersey, in Raritan bay to the main sea, and of the monumental marks by which it is marked, and to be marked duly authenticated and attested by the signatures of the said Commissioners, and placed on file in the offices of the Secretaries of State of the respective States, shall constitute the permanent and authentic records of said boundary line, and are hereby adopted by the parties hereto and made part of this agreement.

In witness whereof the said Commissioners have hereto set their hands and seals in duplicate, this 12th day of October, in the year of our Lord 1887.

|                               |         |                  |         |
|-------------------------------|---------|------------------|---------|
| M. W. HAZELTINE,              | [L. S.] | GEO. H. COOK,    | [L. S.] |
| ROBERT MOORE,                 | [L. S.] | ROBERT C. BACOT, | [L. S.] |
| G. C. HANUS, Lieut. U. S. N., | [L. S.] | A. B. STONEY,    | [L. S.] |

Certified to—

EDWARD P. DOYLE,  
*Secretary Joint Commission.*

In conclusion the Commissioners desire to state their great satisfaction at the completion of their labors as far as the location of the line was concerned.

For a long time the Joint Commission found the work assigned them beset with many difficulties. Strange to say, no established precedent was to be found upon which the Commissioners could base their action for a satisfactory settlement of the questions involved. The committee appointed for that purpose searched carefully but vainly every recognized authority on international law, without finding a parallel case to the one at issue.

Even the exact point or line at which the bay began and the main sea ended was also a disputed question, and one of great difficulty to determine. Although the committee having this matter in charge visited the State Department at Washington, to ascertain, if possible, the true limits of the bay, they obtained no definite information, and this question, like all at issue, had to be decided by the Commissioners without the aid of precedent.

The settlement of every boundary line seemed invariably to be a compromise based on no definite principle of law.

Learned discourses on international jurisprudence had no weight in the proceedings of the Commissions, and the questions in hand were almost exclusively settled by consideration of the commercial interests involved.

No established precedent being found, the Commissioners proceeded with their work, believing that whatever was a fair and equitable division of the entire area of the bay would be a boundary line most satisfactory to the citizens of the States represented. A straight line between fixed and permanent points was, of course, to be desired, and whenever a concession by one State to the other became necessary by reason of the undulating character of the shores of the bay, a corresponding concession was always made.

The straight line finally adopted was, as has been stated, necessarily a compromise, and its accurate location involved an immense amount of labor. Many lines were proposed and rejected before the ultimate agreement, and each change necessitated new calculations of the areas involved.

Nearly the entire summer was spent by the engineers at this work, and numerous maps were prepared.

The final result, however, was the unanimous agreement upon a

boundary line just in every particular, and nearly as possible correct in its division of the lands under water in Raritan bay.

The work remaining to be done by the Commission is comparatively unimportant. In order to mark the line permanently, and in such a manner that it could be easily determined by all interested, the Commission decided to build one permanent monument, and set eight buoys or spindles, marked "New York and New Jersey State Boundary Line."

The reports of the engineers, the correspondence of the Commission, and the table of expenditures, will be found in the Appendix.



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# APPENDIX.

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# APPENDIX.

## CORRESPONDENCE.

TREASURY DEPARTMENT,  
OFFICE OF THE LIGHT-HOUSE BOARD, }  
WASHINGTON, D. C., November 8th, 1887.

*Hon. A. B. Stoney, Chairman of the Joint Boundary Commission,  
New York and New Jersey, No. 39 Nassau street, New York  
City:*

SIR—The Light-House Board has the honor to inform you that the matter of establishing a permanent beacon in Raritan bay, as recommended by your Commission, at the locality indicated on a piece of chart accompanying the letter addressed to the Honorable the Secretary of War, by a committee of the Commission, consisting of Mr. George H. Cook and Lieut. G. C. Hanus, U. S. N., was considered by the Board at its session held on this day, when, in view of the facts that the proposed beacon would not be an obstruction, and possibly might be an aid to navigation, the conclusion was reached that the Board saw no objections to the establishment of the beacon as recommended by the Joint Boundary Commission.

Respectfully yours,

R. D. EVANS,  
*Commander, U. S. N., Naval Secretary.*

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TREASURY DEPARTMENT,  
OFFICE OF THE LIGHT-HOUSE BOARD, }  
WASHINGTON, D. C., November 8th, 1887.

DEAR SIR—The Board has received the Commission's letter of November 5th, 1887, making application for buoys and for the tender to place them, and has given directions to have its wishes carried into effect.

Commodore Benham has been informed that a representative of the Commission will communicate with him, and that all the details can be arranged between them.

As to the proposed beacons, formal answer in the affirmative will be made at an early day.

Very truly yours,

R. D. EVANS,

*Commander, U. S. N., Naval Secretary.*

Lieut. G. C. HANUS,

*U. S. Navy, New York, N. Y.*

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TREASURY DEPARTMENT,  
OFFICE OF THE LIGHT-HOUSE BOARD, }  
WASHINGTON, D. C., October 11th, 1887.

GENTLEMEN—Your letter of October 5th, 1887, asking permission to take at cost from the Board's stock, the buoys needed to mark the boundary line between New York and New Jersey in Raritan bay, and to have the use of a light-house tender in placing these buoys, has been received.

In reply the Board has to say that it will take pleasure in granting your request in each instance.

When your requisition for the buoys you want, is received, you will be instructed as to the method by which they are to be replaced in kind.

Very respectfully,

R. D. EVANS,

*Commander, U. S. N., Naval Secretary.*

Messrs. COOK and HANUS,

*Joint N. Y. and N. J. Boundary Commission,*

*39 Nassau street, New York, N. Y.*

# ORIGINAL AGREEMENT AS TO BOUNDARY LINE.

## BOUNDARY LINE BETWEEN NEW YORK AND NEW JERSEY.

(Revision of the Laws of New Jersey, 1877, p. 1178.)

An act to ratify and confirm an agreement made between the Commissioners appointed by the Governor of the State of New York, and the Commissioners appointed by the Governor of the State of New Jersey, respecting the territorial limits and jurisdiction between the said States.

Passed February 26th, 1834.

WHEREAS, Commissioners duly appointed on the part of the State of New York, and Commissioners duly appointed on the part of New Jersey, for the purpose of agreeing upon and settling the jurisdiction and territorial limits of the two States, have executed certain articles, two copies for each State, which are contained in the following words :

Agreement made and entered into by and between Benjamin F. Butler, Peter Augustus Jay and Henry Seymour, Commissioners duly appointed on the part and behalf of the State of New York, in pursuance of an act of the Legislature of the said State, entitled "An act concerning the territorial limits and jurisdiction of the State of New York and the State of New Jersey," passed January 18th, 1833, of the one part, and Theodore Frelinghuysen, James Parker and Lucius Q. C. Elmer, Commissioners duly appointed on the part and behalf of the State of New Jersey, in pursuance of an act of the Legislature of the said State, entitled "An act for the settlement of the territorial limits and jurisdiction between the States of New Jersey and New York," passed February 6th, 1833, of the other part.

ARTICLE I. The boundary line between the two States of New York and New Jersey, from a point in the middle of the Hudson river opposite the point on the west shore thereof, in the forty-first

degree of north latitude, as heretofore ascertained and marked, to the main sea, shall be the middle of the said river, of the bay of New York, of the waters between Staten Island and New Jersey, and of Raritan bay to the main sea, except as hereinafter otherwise particularly mentioned.

ARTICLE II. The State of New York shall retain its present jurisdiction of and over Bedlow's and Ellis' islands, and shall also retain exclusive jurisdiction of and over the other islands lying in the waters above mentioned, and now under the jurisdiction of that State.

ARTICLE III. The State of New York shall have and enjoy exclusive jurisdiction of and over all the waters of the bay of New York, and of and over all the waters of Hudson's river lying west of Manhattan island, and to the south of the mouth of Spuyten Duyvil creek, and of and over the lands covered by the said waters to the low-water mark on the westerly or New Jersey side thereof; subject to the following rights of property and of jurisdiction of the State of New Jersey, that is to say :

1. The State of New Jersey shall have the exclusive right of property in and to the land under water, lying west of the middle of the bay of New York, and west of the middle of that part of the Hudson river which lies between Manhattan island and New Jersey.

2. The State of New Jersey shall have the exclusive jurisdiction of and over the wharves, docks and improvements made and to be made on the shore of the said State, and of and over all vessels aground on said shore, or fastened to any such wharf or dock, except that the said vessels shall be subject to the quarantine or health laws, and laws in relation to passengers, of the State of New York, which now exist or which may hereafter be passed.

3. The State of New Jersey shall have the exclusive right of regulating the fisheries on the westerly side of the middle of the said waters, provided that the navigation be not obstructed or hindered.

ARTICLE IV. The State of New York shall have exclusive jurisdiction of and over the waters of the Kill Von Kull, between Staten Island and New Jersey to the westernmost end of Shooter's island, in respect to such quarantine laws and laws relating to passengers as now exist or may hereafter be passed under the authority of that State, and for executing the same; and the said State shall also have exclusive jurisdiction for the like purpose, of and over the waters of the sound from the westernmost end of Shooter's island to Woodbridge.

creek, as to all vessels bound to any port in the said State of New Jersey.

ARTICLE V. The State of New Jersey shall have and enjoy exclusive jurisdiction of and over all the waters of the sound, between Staten Island and New Jersey, lying south of Woodbridge creek, and of and over all the waters of Raritan bay, lying westward of a line drawn from the light-house at Prince's bay, to the mouth of Matavan creek, subject to the following rights of property and of jurisdiction of the State of New York :

1. The State of New York shall have the exclusive right of property in and to the land under water, lying between the middle of the said waters and Staten Island.

2. The State of New York shall have the exclusive jurisdiction of and over the wharves, docks and improvements made, and to be made, on the shore of Staten Island ; and of and over all vessels aground on said shore, or fastened to any such wharf or dock, except that the said vessels shall be subject to the quarantine or health laws, and laws in relation to passengers, of the State of New Jersey which now exist, or which may hereafter be passed.

3. The State of New York shall have the exclusive right of regulating the fisheries between the shore of Staten Island and the middle of the said waters, provided that the navigation of the said waters be not obstructed or hindered.

ARTICLE VI. Criminal process issued under the authority of the State of New Jersey against any person accused of an offense committed within that State, or committed on board of any vessel being under the exclusive jurisdiction of that State as aforesaid, or committed against the regulations made, or to be made, in relation to the fisheries mentioned in the third article, and also civil process issued under the authority of the State of New Jersey against any person domiciled in that State, or against property taken out of that State to evade the laws thereof, may be served upon any of the said waters within the exclusive jurisdiction of the State of New York, unless such person or property shall be on board a vessel aground upon or fastened to the shore of the State of New York, or fastened to a wharf adjoining thereunto, or unless such person shall be under arrest, or such property shall be under seizure, by virtue of process or authority of the State of New York.

ARTICLE VII. Criminal process issued under the authority of the



State of New York against any person accused of any offense committed within this State, or committed on board of any vessel under the exclusive jurisdiction of that State as aforesaid, or committed against the regulations made, or to be made, by that State in relation to the fisheries mentioned in the fifth article, and also civil process issued under the authority of the State of New York against any person domiciled in that State, or against property taken out of that State to evade the laws thereof, may be served upon any of the said waters within the exclusive jurisdiction of the State of New Jersey, unless such person or property shall be on board of a vessel aground upon or fastened to the shore of the State of New Jersey, or fastened to a wharf adjoining thereto, or unless such person shall be under arrest, or such property shall be under seizure by virtue of process or authority of the State of New Jersey.

ARTICLE VIII. This agreement shall become binding on the two States when confirmed by the Legislatures thereof, respectively, and when approved by the Congress of the United States.

Done in four parts (two of which are retained by the Commissioners of New York, to be delivered to the Governor of that State, and the other two of which are retained by the Commissioners of New Jersey, to be delivered to the Governor of that State), at the city of New York, this sixteenth day of September, in the year of our Lord one thousand eight hundred and thirty-three, and of the Independence of the United States the fifty-eighth.

B. F. BUTLER,  
PETER AUGUSTUS JAY,  
HENRY SEYMOUR,  
THEO. FRELINGHUYSEN,  
JAMES PARKER,  
LUCIUS Q. C. ELMER.

The above agreement was confirmed by the Legislature of the State of New York, February 5th, 1834, and by the Legislature of the State of New Jersey, February 26th, 1834, and approved by the Congress of the United States, June 28th, 1834.



NEW YORK, November 2d, 1887.

Clear and pleasant; very smooth sea; calm to very light westerly wind.

Angles taken at proposed site of monument to mark the turning point of the New York and New Jersey boundary line between Great Beds light-house and Romer beacon.

Wilson beacon to Prince's bay light-house,  $99^{\circ} 41' 30''$ .

Prince's bay light-house to Episcopal church,  $64^{\circ} 9'$ .

Episcopal church to front,  $83^{\circ} 14'$ .

Front to Wilson beacon,  $112^{\circ} 55' 30''$ .

Seven feet water at M. L. W.

Copy verified.

W. G. FORD, JR.

Angles taken at Buoy No. 1 on line between proposed monument and Romer beacon.

Cupola to Dental Works,  $113^{\circ} 37'$ .

Dental Works to Episcopal church,  $71^{\circ} 3'$ .

Sixteen feet water at M. L. W.

[Stamp.]

STATE OF NEW JERSEY,  
EXECUTIVE DEPARTMENT,  
TRENTON, April 14th, 1887. }

(Dictated.)

*To His Excellency David B. Hill, Governor, Albany, N. Y.:*

SIR—I have the honor to inform you that the Governor has this day appointed George H. Cook, of New Brunswick, Robert C. Bacot, of Jersey City, and A. B. Stoney, of Keyport, as Commissioners under Joint Resolution No. 6, approved April 20th, 1886, of which a copy is herewith transmitted; said Commissioners to meet the Commissioners appointed by yourself, March 21st, 1887, as per letter of Mr. Rice of that date.

Very respectfully,

ROBERT S. GREEN, JR.,

*Private Secretary.*

(Enclosure.)

[Stamp.]

STATE OF NEW JERSEY.

JOINT RESOLUTION authorizing the appointment of a commission to locate and mark out the boundary line between the state of New Jersey and the state of New York in Raritan bay.

WHEREAS, Disputes are constantly arising between citizens of this state and citizens of the state of New York engaged in the shell fisheries in Raritan bay, as to the boundary line between the two states in lands under water of said Raritan bay; *and whereas*, that by reason of the absence of any means to locate the boundary line, there exists an uncertainty about the true location thereof between the state of New Jersey and the state of New York, as defined in the act entitled "An act for the settlement of the territorial limits and jurisdiction between the states of New Jersey and New York," passed the sixth day of February, one thousand eight hundred and thirty-three; now therefore,

1. BE IT RESOLVED *by the Senate and General Assembly of the State of New Jersey*, That the governor of this state be, and he is hereby authorized to appoint three commissioners, with power on the part of the state to meet any authorities of the state of New York who may be duly authorized, and with them locate and mark out by proper buoys the boundary line between the two states in lands under water in Raritan bay; that the expenses of said commission shall be paid by the treasurer, on the warrant of the comptroller, after being first approved by the governor.

2. *And be it resolved*, That this resolution take effect immediately.

STATE OF NEW JERSEY, }  
DEPARTMENT OF STATE. }

I, Henry C. Kelsey, Secretary of State of the State of New Jersey, do hereby certify that the foregoing is a true copy of a Joint Resolution passed by the Legislature of this State, and approved by the Governor the 20th day of April, A. D. 1886, as taken from and compared with the original now on file in my office.

In witness whereof, I have hereunto set my hand and affixed my official seal at Trenton, this 14th day of April, 1887.

[L. S.]

H. C. KELSEY,  
*Secretary of State.*

STATE OF NEW JERSEY.

I, Robert S. Green, Governor of the State of New Jersey, do hereby certify that Henry C. Kelsey, Esq., who hath signed the annexed certificate, and whose official seal is thereto annexed, was, at the doing thereof, and now is, Secretary of State of the State of New Jersey, duly appointed, commissioned and sworn, and that full faith and credit are to be given to his official attestations; that the said signature is in the proper handwriting of the said Henry C. Kelsey, and the seal his seal of office, and that the said certificate is in due form of law and by the proper officer.

In witness whereof, I have hereunto set my hand and caused the great seal of the State of New Jersey to be hereunto affixed, at the city of Trenton, in said State, this 14th day of April, A. D. 1887, and of the Independence of the United States, the one hundred and eleventh.

ROBERT S. GREEN.

By the Governor:

HENRY C. KELSEY,  
*Secretary of State.*



## FINANCIAL STATEMENT.

Expenses of Commissioners of the State of New Jersey appointed to locate and mark out the boundary line between the States of New Jersey and New York in Raritan Bay.

|            |  |         |
|------------|--|---------|
| 1887, May. | Expenses of Commissioner Bacot to Washington, D. C., to examine documents.....                                 | \$19 25 |
|            | Type-writing of documents. ....  | 6 84    |
|            | T. S. Negus, for charts of New York and Raritan bays...  | 2 00    |
|            | Expenses of meeting Joint Commission in Jersey City..  | 11 65   |
|            | E. P. Doyle, Secretary, for half expense of Washington projection of Raritan bay, \$42.86 .....                | 21 43   |
|            | For report and map of Maryland and Virginia Boundary Line Commission and expressage.....                       | 10 50   |
| Aug.       | T. S. Negus, for charts of New York bay and vicinity..   | 5 25    |
|            | Evening Journal Company, for printing documents...   | 13 00   |
|            | E. P. Doyle, Secretary, for half expense of copies of Washington projection maps of Raritan bay, \$64.14 ..... | 32 07   |
|            | Petty cash for postage, telegrams, expressage, &c .....  | 5 00    |
|            | Commissioner Cook's traveling expenses and disbursements .....   | 34 06   |
|            | Commissioner Stoney's traveling expenses and disbursements.....  | 23 00   |
|            | Expenses of New Jersey Commissioners attending meeting in New York.....  | 2 20    |
| Oct.       | For tracing of part of Raritan bay.....  | 1 00    |
|            | Expenses of Commissioners Cook and Bacot to Trenton.....   | 2 05    |
|            | Earle & Harrison, services of draftsman on maps, \$36 .....  | 18 00   |
|            | E. P. Doyle, services as Secretary of Joint Commission, \$500 .....  | 250 00  |
|            | Type-writing of Agreements, \$2; petty cash postage, &c., 86 cents.....  | 2 86    |
|            | For one-half expense of hire of tug-boat for visit of Joint Commission to Raritan bay, \$75 .....              | 37 50   |

|            |   |                |
|------------|---|----------------|
| 1887, Nov. | For one-half C. A. Jones' bill for buoy materials,<br>\$37.72.....  | \$18 86        |
|            | For one-half expense of work placing buoys, \$51.50....   | 25 75          |
|            | For one-half expense of printing for Joint Commis-<br>sion, \$50.....   | 25 00          |
|            | S. W. Hodges, for tracings of boundary line maps for<br>lithographer, and for Light-House Board.....  | 10 60          |
|            | For services of J. C. Payne, making tracings of maps<br>and calculations of areas of lands under water in<br>Raritan bay.....   | 25 00          |
|            | For professional services of G. R. French and W. G.<br>Ford, Jr., in placing buoys upon the boundary<br>line agreed upon, \$200.....                                      | 100 00         |
| Dec.       | To Julius Bien & Co., for furnishing 1,000 copies of<br>lithograph map of Raritan bay and vicinity, show-<br>ing boundary line agreed upon, buoys and mon-<br>uments..... | 84 00          |
|            | To petty cash paid out by Secretary for telegrams,<br>postage, expressage, &c.....  | 5 70           |
|            | Total .....   | <hr/> \$792 57 |

TRENTON, Dec. 31st, 1887.





JUN 20 1908



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